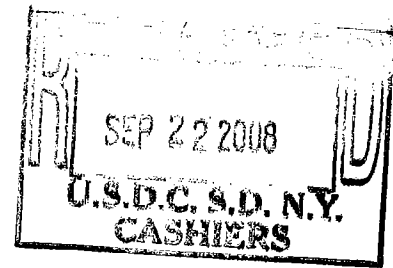


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OLIVIA RUX, JAMIE OWENS, INDIVIDUALLY  
AS NEXT FRIEND OF I.M.O., A MINOR,  
SHARLA COSTELOW, INDIVIDUALLY AND AS  
NEXT FRIEND OF E.C. AND B.C., MINORS,  
GEORGE COSTELOW, DOROTHY COSTELOW,  
NOVELLA WIGGENS, INDIVIDUALLY AND AS  
NEXT FRIEND OF J.R.M. JR., A MINOR, LORIE  
D. TRIPLETT, INDIVIDUALLY AND AS NEXT  
FRIEND OF A.T., A MINOR, AND S.R.T, A  
MINOR, JENNIFER CLODFELTER,  
INDIVIDUALLY AND AS NEXT FRIEND OF N.C,  
A MINOR, KENYON EMBRY, INDIVIDUALLY  
AND AS NEXT FRIEND OF C.K, RONALD W.  
FRANCIS, SANDRA FRANCIS, DAVID  
FRANCIS, JAMES FRANCIS, JAQUELINE  
SAUNDERS, INDIVIDUALLY AND AS NEXT  
FRIEND OF I.S. AND J.S, MINORS, ROGELO  
SANTIAGO, SIMEONA SANTIAGO, SARAH  
GUANA ESQUIVEL, JESSE NIETO, THOMAS  
WIBBERLY, THEODIS TRIPLETT, WAYNE  
TRIPLETT, REED TRIPLETT, SAVANNAH  
TRIPLETT, KEVIN TRIPLETT, FREDDIE  
TRIPLETT, GARY SWENCHONIS, SR.,  
DEBROAH SWENCHONIS, SHALALA  
SWENCHONIS-WOOD, KATE BROWN, SEAN  
WALSH, KEVIN ROY, LOU GUNN, MONA  
GUNN, JAMAL GUNN, JASON GYNN, ANTON J.  
GUNN, LEROY PARLETT, ETTA PARLETT,  
INDIVIDUALLY AND AS NEXT FRIEND OF  
H.P., A MINOR, KERA MILLER, MATTHEW  
PARLETT, JOHN CLODFELTER, GLORIA  
GLODFELTER, JOSEPH CLODFELTER, TONI  
WIBBERLY, DIANE MCDANIELS,  
FREDERICKA MCDANIELS-BESS, TERESA  
SMITH, THE ESTATES OF KENNETH EUGENE  
CLODFELTER, RICHARD COSTELOW,  
LAKEINA MONIQUE FRANCIS, TIMOTHY LEE  
GAUNA, CHERONE LOUIS GUNN, JAMES  
RODERICK MCDANIELS, MARC IAN NIETO,  
RONALD SCOTT OWENS, LAKIBA NICOLE  
PALMER, JOSHUA LANGDON PARLETT,  
PATRICK HOWARD ROY, KEVIN SCOTT RUX,  
RONCHESTER MANANGA SANTIAGO,



Case No. 08 Civ. 6588 (AKH)

**THIRD PARTY PETITION  
SEEKING RELIEF IN THE  
NATURE OF INTERPLEADER**

TIMOTHY LAMONT SAUNDERS, GARY  
GRAHAM SWENCHONIS JR., ANDREW  
TRIPLETTT, AND CRAIG BRYAN WIBBERLY,

Petitioners,

-against-

ABN-AMRO BANK N.V., AMERICAN EXPRESS  
BANK LTD., BANK OF NEW YORK, BANK OF  
CHINA, CITIBANK N.A., DEUTSCHE BANK  
A.G., DEUTSCHE BANK TRUST COMPANY  
AMERICAS, HSBC BANK USA, N.A., and  
JPMORGAN CHASE BANK N.A.,

Respondents.

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DEUTSCHE BANK A.G. and DEUTSCHE BANK  
TRUST COMPANY AMERICAS

Respondents and Third-  
Party Petitioners,

-against-

AL HADHA EXCHANGE, AL JAZIRAH  
ENTERPRISE FOR PROJECTS DEVELOPMENT  
AND TRADING - TRANSPORT, AL MABARA  
TRADING EST., ALBANK ALSAUDI ALFRANSI  
(also known as BANQUE SAUDI FRANSI d/b/a  
SAUDI FRENCH BANK), ARAB BANK PLC.,  
BANK OF INDIA, BANK OF KHARTOUM, BANK  
OF SUDAN, BANQUE BELGOLAISE PARIS,  
BANQUE NATIONALE DE PARIS,  
BELGOLAISE, BNP PARIBAS, BNP PARIBAS  
S.A., BNP PARIBAS SUISSE SA, BRITISH ARAB  
COMMERCIAL BANK LTD., BYBLOS BANK  
EUROPE S.A., CALYON LONDON (formerly  
known as CREDIT LYONNAIS LONDON),  
CALYON NY (formerly known as CREDIT  
LYONNAIS NY), COMMERZBANK AG, CREDIT  
LIBANAIS SAL, CREDIT SUISSE FIRST  
BOSTON, CREDIT SUISSE, EL NILEIN  
INDUSTRIAL DEVELOPMENT BANK (also

known as EL NILEIN BANK), EMIRATES BANK :  
INTERNATIONAL, ETS LA CONCORDE, :  
FAISAL ISLAMIC BANK OF EGYPT, FARMERS :  
COMMERCIAL BANK, FEDERAL EXCHANGE :  
DUBAI; FIRST INTERNATIONAL MERCHANT :  
BANK, GENERALE BANK, HSBC BANK PLC, :  
KENANA SUGAR CO. LTD., LIBERTY :  
INVESTMENT COMPANY, LLC., M/S SABENA, :  
MALAYAN BANKING BERHAD (also known as :  
MAYBANK), NATIONAL BANK OF ABU DHABI :  
(also known as N.B.A.D. KHARTOUM), :  
NATIONAL BANK OF SHARJAH (also known as :  
SHARJAH ISLAMIC BANK), NATIONAL :  
ELECTRICITY CORP. (KHARTOUM AREA), :  
NATIONAL SOCIETE GENERALE BANK S.A., :  
RICHMOND MERCANTILE LIMITED (FZC), :  
SAUDI BRITISH BANK (also known as SABB), :  
SOCIETE GENERALE, SUDAN AIRWAYS, :  
SUDAN SHIPPING LINE, SUDAN :  
TELECOMMUNICATION COMPANY LTD., :  
SUDANESE FREE TRADE ZONE AND MARKET :  
COMPANY, SUDANESE FRENCH BANK, THE :  
SUDANESE PETROLEUM CORP., TELECOM :  
EGYPT SAE-INTERNATIONAL :  
COMMUNICATION SECTOR, :  
TRANSNATIONAL BANK LTD., UNITED :  
EUROPEAN BANK, AND UNITED OVERSEAS :  
BANK, :  
  
Third Party Respondents :  
and Adverse Claimants. :  
  
X

Respondents Deutsche Bank A.G. and Deutsche Bank Trust Company Americas  
(collectively, "Deutsche Bank") allege as follows in support of this Third Party Petition, upon  
actual knowledge as to themselves and their own acts and upon information and belief as to all  
other matters:

1. On April 21, 2008, Petitioners filed a supplemental proceeding in this Court under  
the Terrorism Risk Insurance Act of 2002 ("TRIA"), Pub.L. No. 107-297, § 201(a), 116 Stat.  
2,322, 2,337 (codified at 28 U.S.C. § 1610 note), and Sections 5225(b) and 5227 of the CPLR,

seeking an order directing that funds then held in certain accounts (the “Deutsche Bank Blocked Accounts”) at Deutsche Bank Trust Company Americas (“DBTCA”) and certain accounts at other banks be turned over to Petitioners in satisfaction of a judgment obtained by Petitioners against the Republic of Sudan (the “Judgment”).

2. The Deutsche Bank Blocked Accounts consist of (i) certain deposit accounts opened at DBTCA (the “Deutsche Bank Blocked Deposit Accounts”), and (ii) certain bank accounts that were set up to hold the proceeds of wire transfers that were interdicted and blocked by DBTCA (or its predecessor Bankers Trust) pursuant to the Sudanese Sanctions Regulations (the “Deutsche Bank Blocked Wires”).

3. A number of third parties, including the accountholders of record of the Deutsche Bank Blocked Deposit Accounts and certain parties to the Deutsche Bank Blocked Wires, may have a competing claim to the funds in the Deutsche Bank Blocked Accounts. Deutsche Bank faces the risk of multiple and inconsistent liability if the funds are turned over to Petitioners and later determined to be the property of one or more of these third parties.

4. To protect itself from this risk of multiple liability, Deutsche Bank brings this action against all known potential third party claimants to the Deutsche Bank Blocked Accounts (collectively, the “Adverse Claimants”), so that they may be joined as parties to this proceeding and directed to interplead any claims they may have to the Deutsche Bank Blocked Accounts.

5. As set forth in detail below, Deutsche Bank, as a neutral stakeholder, is entitled to interpleader relief under Sections 1006, 5239 and 6221 of New York’s Civil Practice Law and Rules and Section 134 of the Banking Law of the State of New York (collectively, the “State Interpleader Provisions”) as well as Rule 22 of the Federal Rule of Civil Procedure.

## **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this interpleader petition under 28 U.S.C. § 1332 insofar as the petition arises under federal law. Specifically, the question of whether Petitioners or the Adverse Claimants are entitled to the Deutsche Bank Blocked Accounts is governed by federal statutes including TRIA. This Court also has subject matter jurisdiction under 28 U.S.C. § 1330(a) because Petitioners' claim to the Deutsche Bank Blocked Accounts is in the nature of a claim against a foreign state for which the state is not entitled to immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605 et seq. In addition, this Court has supplemental jurisdiction over these interpleader counterclaims pursuant to 28 U.S.C. § 1367(a) insofar as they arise out of the same case or controversy as Petitioners' claims.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) insofar as a substantial part of the property that is the subject matter of the action is located in this district.

## **PARTIES**

8. Respondent and Third Party Petitioner Deutsche Bank A.G. ("DB AG") is a banking corporation organized and existing under the laws of the Federal Republic of Germany with a place of business at 60 Wall Street, New York, New York. DB AG is the indirect sole owner of DBTCA..

9. Respondent and Third Party Petitioner DBTCA is a New York corporation with its principal place of business at 60 Wall Street, New York, New York. DBTCA maintained the Deutsche Bank Blocked Accounts as of the commencement of this action by Petitioners

10. Adverse Claimant the Bank of Khartoum is the record owner of one of the Deutsche Bank Blocked Deposit Accounts (Account No: 04-092-272), and may also claim an interest in certain of the Deutsche Bank Blocked Wires. Upon information and belief, the Bank

of Khartoum is a bank established under the laws of Sudan with its principal place of business in Khartoum, Sudan.

11. Adverse Claimant Farmer's Commercial Bank ("FCB") is the record owner of one of the Deutsche Bank Blocked Deposit Accounts (Account No: 04-030-872). Upon information and belief, FCB is a specialized bank established under the laws of Sudan with its principal place of business in Khartoum, Sudan.

12. As set forth in Exhibit B, the following Adverse Claimants (collectively, the "Blocked Wire Claimants") are the record originators, originating banks, intermediary banks, beneficiary banks, and/ or beneficiaries of wire transfers that were interdicted and blocked by DBTCA (or its predecessor Bankers Trust) pursuant to the Sudanese Sanctions Regulations:

- a. Al Hadha Exchange is, upon information and belief, a bank or other business entity organized under the laws of Yemen with a place of business in Sana'a, Yemen;
- b. Al Jazirah Enterprise for Projects Development and Trading - Transport is, upon information and belief, a business entity organized under the laws of the United Arab Emirates, with a place of business in Abu Dhabi;
- c. Al Mabara Trading Est. is, upon information and belief, a business entity organized under the laws of Oman, with a place of business in Muscat;
- d. Albank Alsaudi Alfransi (also known as Banque Saudi Fransi d/b/a Saudi French Bank) is, upon information and belief, a bank or other business entity organized under the laws of Saudi Arabia, with a place of business in Riyadh;
- e. Arab Bank Plc is, upon information and belief, a bank or other business entity organized under the laws of Jordan, with a place of business in Amman;
- f. Bank of India is, upon information and belief, a bank or other business entity organized under the laws of India, with a place of business in Mumbai;
- g. Bank of Khartoum, separately identified above as an Adverse Claimant to a Deposit Account, is, upon information and belief, a bank organized

- under the laws of Sudan with its principal place of business in Khartoum, Sudan;
- h. Bank of Sudan is, upon information and belief, a bank or other business entity organized under the laws of Sudan, with a place of business in Khartoum;
  - i. Banque Belgolaise Paris is, upon information and belief, a bank or other business entity organized under the laws of France, with a place of business in Paris;
  - j. Banque Nationale de Paris is, upon information and belief, a bank or other business entity organized under the laws of France with a place of business in New York;
  - k. Belgolaise is, upon information and belief, a bank or other business entity organized under the laws of Belgium, with a place of business in Brussels;
  - l. BNP Paribas is, upon information and belief, a bank or other business entity organized under the laws of France, with a place of business in New York;
  - m. BNP Paribas S.A. is, upon information and belief, a bank or other business entity organized under the laws of France, with a place of business in Paris;
  - n. BNP Paribas Suisse SA is, upon information and belief, a bank or other business entity organized under the laws of Switzerland, with a place of business in Geneva;
  - o. British Arab Commercial Bank Ltd. is, upon information and belief, a bank or other business entity organized under the laws of the United Kingdom, with a place of business in London;
  - p. Byblos Bank Europe S.A. is, upon information and belief, a bank or other business entity organized under the laws of the Belgium, with a place of business in Brussels;
  - q. Calyon London (formerly known as Credit Lyonnais London) is, upon information and belief, a bank or other business entity organized under the laws of the France, with a place of business in London;
  - r. Calyon NY (formerly known as Credit Lyonnais NY) is, upon information and belief, a bank or other business entity organized under the laws of the France, with a place of business in New York;

- s. Commerzbank AG is, upon information and belief, a bank or other business entity organized under the laws of Germany, with a place of business in Frankfurt;
- t. Credit Libanais SAL is, upon information and belief, a bank or other business entity organized under the laws of Lebanon, with a place of business in Beirut;
- u. Credit Suisse First Boston is, upon information and belief, a bank or other business entity organized under the laws of Switzerland, with a place of business in Geneva;
- v. Credit Suisse is, upon information and belief, a bank or other business entity organized under the laws of Switzerland, with a place of business in Zurich;
- w. El Nilein Industrial Development Bank, also known as El Nilein Bank, is, upon information and belief, a bank or other business entity organized under the laws of Sudan, with a place of business in Khartoum;
- x. Emirates Bank International is, upon information and belief, a bank or other business entity organized under the laws of the United Arab Emirates, with a place of business in Dubai;
- y. ETS La Concorde is, upon information and belief, a bank or other business entity organized under the laws of Chad, with a place of business in N'Djamena;
- z. Faisal Islamic Bank of Egypt is, upon information and belief, a bank or other business entity organized under the laws of Egypt, with a place of business in Cairo;
- aa. Farmers Commercial Bank is, upon information and belief, a bank or other business entity organized under the laws of Sudan, with a place of business in Khartoum;
- bb. Federal Exchange Dubai is, upon information and belief, a bank or other business entity organized under the laws of the United Arab Emirates, with a place of business in Dubai;
- cc. First International Merchant Bank is, upon information and belief, a bank or other business entity organized under the laws of Malta, with a place of business in Sliema;
- dd. Generale Bank is, upon information and belief, a bank or other business entity organized under the laws of Belgium, with a place of business in Brussels;



- ee. HSBC Bank PLC is, upon information and belief, a bank or other business entity organized under the laws of the United Kingdom, with a place of business in London;
- ff. Kenana Sugar Co. Ltd. is, upon information and belief, a business entity organized under the laws of Sudan, with a place of business in Khartoum;
- gg. Liberty Investment Company, LLC is, upon information and belief, a business entity organized under the laws of the United Arab Emirates, with a place of business in Sharjah;
- hh. M/S Sabena is, upon information and belief, a business entity organized under the laws of Belgium, with a place of business in Brussels;
- ii. Malayan Banking Berhad also known as Maybank is, upon information and belief, a bank or other business entity organized under the laws of Malaysia, with a place of business in Kuala Lumpur;
- jj. National Bank of Abu Dhabi also known as N.B.A.D. Khartoum is, upon information and belief, a bank or other business entity organized under the laws of the United Arab Emirates, with places of business in Abu Dhabi and Khartoum;
- kk. National Bank of Sharjah also known as Sharjah Islamic Bank is, upon information and belief, a bank or other business entity organized under the laws of the United Arab Emirates, with a place of business in Dubai;
- ll. National Electricity Corp. (Khartoum Area) is, upon information and belief, a bank or other business entity organized under the laws of Sudan, with a place of business in Khartoum;
- mm. National Societe Generale Bank S.A. is, upon information and belief, a bank or other business entity organized under the laws of Egypt, with a place of business in Mohandessin;
- nn. Richmond Mercantile Limited (FZC) is, upon information and belief, a business entity organized under the laws of the United Arab Emirates, with a place of business in Sharjah;
- oo. Saudi British Bank, also known as SABB, is, upon information and belief, a bank or other business entity organized under the laws of Saudi Arabia, with places of business in Riyadh and Jeddah, Saudi Arabia;
- pp. Société Générale is, upon information and belief, a bank or other business entity organized under the laws of France with a place of business in New York;

- qq. Sudan Airways is, upon information and belief, a business entity organized under the laws of the Sudan, with a place of business in Khartoum;
- rr. Sudan Shipping Line is, upon information and belief, a business entity organized under the laws of Sudan, with a place of business in Khartoum;
- ss. Sudan Telecommunication Company Ltd. is, upon information and belief, a business entity organized under the laws of Sudan, with a place of business in Khartoum;
- tt. Sudanese Free Trade Zone and Market Company is, upon information and belief, a business entity organized under the laws of Sudan, with a place of business in Khartoum;
- uu. Sudanese French Bank is, upon information and belief, a bank or other business entity organized under the laws of Sudan, with a place of business in Khartoum;
- vv. The Sudanese Petroleum Corp. is, upon information and belief, a business entity organized under the laws of Sudan, with a place of business in Khartoum;
- ww. Telecom Egypt SAE-International Communication Sector is, upon information and belief, a business entity organized under the laws of Egypt, with a place of business in Cairo;
- xx. Transnational Bank Ltd. Nairobi is, upon information and belief, a bank or other business entity organized under the laws of Kenya, with a place of business in Nairobi;
- yy. United European Bank is, upon information and belief, a bank or other business entity organized under the laws of Switzerland, with a place of business in Geneva;
- zz. United Overseas Bank is, upon information and belief, a bank or other business entity organized under the laws of Switzerland, with a place of business in Geneva.

### FACTS

13. On April 21, 2008, Petitioners filed a supplemental proceeding in this Court under TRIA and Sections 5225(b) and 5227 of the CPLR, seeking to enforce the Judgment they have obtained against the Republic of Sudan.

14. Petitioners seek a turnover order directing that funds in the Deutsche Bank Blocked Accounts be turned over to them in satisfaction of the Judgment. In support of this relief, Petitioners allege, *inter alia*, that (a) the Deutsche Bank Blocked Accounts are assets of the Republic of Sudan or its agencies or instrumentalities, and (b) under TRIA, Petitioners are entitled to execute the Judgment they have obtained against such assets. Petitioners therefore have a claim to the Deutsche Bank Blocked Accounts within the meaning of the State Interpleader Provisions and Rule 22 of the Federal Rules of Civil Procedure.

15. Adverse Claimants Bank of Khartoum and Farmers Commercial Bank are each accountholders of record of one of the Deutsche Bank Blocked Deposit Account, as set forth in Exhibit A. As such, each has a claim to a Deutsche Bank Blocked Deposit Account within the meaning of the State Interpleader Provisions and Rule 22 of the Federal Rules of Civil Procedure.

16. The Blocked Wire Claimants are parties that may have a claim to one or more of the Deutsche Bank Blocked Wires by virtue of their role as originator, originating bank, intermediary bank, beneficiary bank, and/or beneficiary of a wire transfer that was blocked, as set forth in Exhibit B. As such, they may have a claim to one or more of the Deutsche Bank Blocked Wires within the meaning of the State Interpleader Provisions and Rule 22 of the Federal Rules of Civil Procedure.

17. Deutsche Bank is a neutral stakeholder and takes no position on which of the Adverse Claimants is entitled to funds in the Deutsche Bank Blocked Accounts. Pursuant to this Court's Order Regulating Proceedings dated July 29, 2008, as modified by memorandum endorsed letter dated August 5, 2008, Deutsche Bank has transferred all of the Deutsche Bank Blocked Accounts with funds in excess of \$50,000 to the Court's registry.

18. Because of the multiple and conflicting claims to the Deutsche Bank Blocked Accounts, as set forth in detail in Exhibits A and B, Deutsche Bank faces a risk of incurring multiple liability and is entitled to interpleader relief under the State Interpleader Provisions and Rule 22 of the Federal Rules of Civil Procedure, including the relief specified in the Request for Relief below.

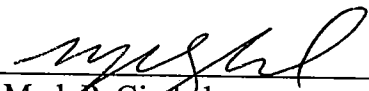
**Request for Relief**

**WHEREFORE**, Deutsche Bank respectfully requests that the Court:

- A. Order the Adverse Claimants and Petitioners to interplead their respective claims to the Deutsche Bank Blocked Accounts;
- B. Determine whether the funds in the Deutsche Bank Blocked Accounts are subject to execution under TRIA in satisfaction of the Judgment obtained by Petitioners;
- C. Determine which party is entitled to each of the Deutsche Bank Blocked Accounts;
- D. Discharge Deutsche Bank from liability to any and all parties who may have a claim to the Deutsche Bank Blocked Accounts and enjoin all such parties from making any future claim against Deutsche Bank with respect to such accounts;
- E. Grant Deutsche Bank reasonable attorneys fees and costs incurred in this action, including all attorneys fees and costs incurred in investigating and asserting its claims for interpleader relief; and
- F. Grant such other and further relief, including injunctive and declaratory relief, as the Court deems just and proper.

Dated: New York, New York  
September 22, 2008

COVINGTON & BURLING LLP

By:   
Mark P. Gimbel

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*Attorneys for Respondents and Third Party  
Petitioners Deutsche Bank A.G. and Deutsche Bank  
Trust Company Americas*

## EXHIBIT A

## EXHIBIT A — CLAIMANTS TO DEUTSCHE BANK BLOCKED DEPOSIT ACCOUNTS

Account Number	Blocking Details	Current Balance (as of transfer to Court registry in August 2008)	Adverse Claimant/Nature of Claim
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REDACTED

## EXHIBIT B



## EXHIBIT B — CLAIMANTS TO DEUTSCHE BANK BLOCKED WIRES

Account No.	Blocking Details	Original Balance (as of date blocked)	Current Balance (as of transfer to Court registry in August 2008)	Adverse Claimant/Nature of Claim

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED